

**REMARKS**

Claims 1, 5, 6 and 7 have been amended.

The Examiner has rejected applicant's claims 1-7 under 35 U.S.C. 102(b) as being anticipated by the Tetsuya (JP 11-096118) patent application. With respect to applicant's claims, as amended, this rejection is respectfully traversed.

Applicant's independent claims 1 and 5-7 have been amended to better define applicant's invention. More particularly, applicant's amended independent claim 1 now recites a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus in which a recognition unit recognizes a charge function of another data processing apparatus, a decision unit decides which of the data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform in accordance with the recognition by the recognition unit, and a control unit controls one of the data processing apparatuses decided by the decision unit to effect the charge process for both of the data processing apparatuses. Applicant's independent method 6 claim has been similarly amended.

Applicant's amended independent claim 5 recites a data processing apparatus in which a processing portion effects a predetermined process with respect to another data processing apparatus, and in which an information portion informs the another data processing apparatus of charge function information of the data processing apparatus so that the another data processing apparatus decides which of the data processing apparatuses is to effect the charge process for the predetermined process, and one of the data processing apparatuses effects the charge process for both of the data processing apparatuses. Method claim 7 has been similarly amended.

Such constructions are not taught or suggested by the cited art of record. More particularly, the Examiner cites the Abstract, sections 0003-0005, FIG. 1 and the unit 21 of the Tetsuya reference in rejecting applicant's independent claims 1 and 5-7. However, from a careful reading of these passages, there is nothing stated therein which teaches or suggests applicant's claimed invention.

Thus, the Abstract in the Tetsuya reference states the problem being solved as how to "efficiently manage image process requests from respective users and charging information by obtaining the confirmation result of prescribed user information requested to be inquired from a server device to judge it, and determining whether or not a prescribed image processor is allowed to be used according to the judged result." The Abstract then states the solution to the problem as a system in which "[a]n input device 24 inputs prescribed user authentication . . . [a] network communication device transfers the prescribed information inputted . . . to the server device to request authentication . . . [a] central processor 21 obtains the authentication result . . . requested by the network communication device 28 to be inquired by the server device and judges it. . . [and] [a]ccording to the judged result, it is determined whether or not the prescribed image processor is allowed to be used."

Clearly, there is nothing in the Abstract description which discusses a data processing apparatus which effects a predetermined process with respect another data processing apparatus, wherein the data processing apparatus has a recognition unit which recognizes a charge function of another data processing apparatus, a decision unit which decides which of the data processing apparatus is to effect a charge process for the predetermined process that both of the data processing apparatuses perform in accordance with the recognition by the

recognition unit and a control unit which controls one of the data processing apparatuses decided by the decision unit to effect the charge process for both of the data processing apparatuses.

Likewise, paragraphs 0003-0005 of the Tetsuya reference, while they discuss charge information of network machinery, managing the fee for use and a system as described in the Abstract, simply do not teach or suggest a data processing apparatus for effecting a predetermined process for a second data processing apparatus, recognizing a charge function of the second data processing apparatus and based thereon deciding between the two which should charge for a predetermined process, and effecting the charge process with that data processing apparatus.

Amended independent claims 1 and 6, and their respective dependent claims, all of which recite such features, thus patentably distinguish over the Tetsuya reference.

Likewise, the Abstract and the cited passages in the Tetsuya reference fail to teach or suggest a data processing apparatus in which a processing portion effects a predetermined process with respect to another data processing apparatus, and in which an information portion informs the another data processing apparatus of charge function information of the data processing apparatus so that the another data processing apparatus decides which of the data processing apparatuses is to effect the charge process for the predetermined process, and one of the data processing apparatuses effects the charge process for both of the data processing apparatuses. Simply, the reference is devoid of any teaching of a data processing apparatus effecting a process for a second data processing apparatus, informing the second data processing apparatus of the charge function of the first so that the second decides between the

two which should charge for the predetermined process, and effecting the charge process with one of the data processing apparatuses

Applicant's amended independent claims 5 and 7, both of which recite such features, thus patentably distinguish over the Tetsuya reference.

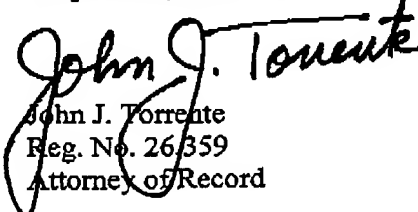
In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9200.

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Respectfully submitted,

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